

MINUTES
TOWN OF GROTON
ZONING COMMISSION
MAY 3, 2017 – 6:30 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Marquardt, Smith, Sayer, Sutherland
Alternate members present: Edgerton, Archer (6:32 pm)
Absent: Hudecek
Staff present: Glemboski, Reiner, Gilot

Chairperson Sutherland called the meeting to order at 6:30 p.m. and seated Edgerton for Hudecek.

II. PUBLIC HEARING

1. REGA17-01, Proposed Zoning Regulation Text Amendment to Section 6.12 Water Resource Protection District (WRPD) to delete current Section 6.12 regulations and add new WRPD regulations (Town of Groton Office of Planning and Development Services, Applicant)

Chairperson Sutherland read the legal notice.

Jonathan Reiner, Director of Planning and Development, reviewed the application and introduced Nate Kelly, Horsley Witten Group.

Mr. Kelly gave a PowerPoint presentation which reviewed the WRPD amendment. He reviewed the WRPD location and the watersheds which feed it, the purpose of the district to protect the existing and future drinking water supply, the sources of pollution (hazardous materials, stormwater flow, discharge to groundwater), and the tools used to protect the water (prohibition and conditions). He discussed the approach the Commission, staff and Horsley Witten used in the rewrite of the WRPD, with the intent of clarification of the language or expansion of the existing content.

The highlights of the rewrite included:

- 50 ft. buffer distance, which is now a 100 ft. non-disturbance area;
- the maximum amount of impervious surface allowed on each site;
- stormwater management best practices;
- a very detailed review of the uses allowed;
- minimum natural area required;
- hazardous materials-including standards for use and storage of hazardous materials;
- clear standards for replacement of existing underground tanks;
- non-conforming uses and the process and requirements for expansion or moving a non-conforming use within the district;
- clearer, stricter standards for stormwater management;
- exemption of one and two family residential lots from WRPD standards.

The prohibited uses that are still prohibited, the prohibited uses that are now allowed with conditions, and the uses that are now prohibited, were reviewed.

Staff reviewed the public hearing procedures.

The staff memo dated April 26, 2017 was entered into the record.

The Horsley Witten memo dated May 3, 2017 was entered into the record.

Staff provided the following referrals and comments for the record.

- Southeastern Connecticut Council of Governments - no adverse inter-municipal impacts and no effect on Long Island Sound.
- Inland Wetlands Agency – recommended in favor of approval.
- Planning Commission – recommended in favor with a modification that new fuel dispensing stations should be prohibited to minimize the potential for contamination of drinking water from spills or leakage of fuel.
- Economic Development Commission – a two-page memo commented on the need for a balance between water quality and the need for businesses; strongly opposed doubling of the non-disturbance area.
- Public Works – clarification of specific language as it pertains to Public Works operations; recommended allowing indoor stockpiling of salts and chemicals for treatment of roads; eliminating the 100 year storm event reference; allowing pervious parking areas and driveways; modification of requirement for recycling of water by car wash (will be accepted by the municipal sewer system).
- Connecticut Department of Energy and Environmental Protection (CTDEEP) – Water Resource Division – no conflict with the Connecticut Coastal Management Act.
- CT Dept. of Public Health, Drinking Water Section – suggested conditional uses requiring public sewers be directed to areas that already have public sewers; a method that ensures that the selected best management practices are maintained be incorporated; Appendix D of the regulation (Information for Spill Kits, Signs and Spill Response Procedures) should include notification to Groton Utilities and Ledge Light Health District; the text should contain a statement of Groton Utilities' inspection responsibilities, required by state statute.
- Michael Carey, Town Attorney – amendments are legally satisfactory.
- Cardinal Honda – four items to consider on used cars, impervious surface, landscaping and rinsing vehicles.

Staff also distributed recently submitted comments from the following parties but had not reviewed the comments prior to the hearing.

- Ct. Fund for the Environment
- Rivers Alliance of Connecticut
- Zell Steever and Elizabeth Raisbeck
- Groton Utilities
- W. Frank Bohlen

The Chair opened the meeting up to comments from the public and asked that speakers limit their comments to five minutes, and asked speakers to agree with what had been said previously rather than repeating it.

Jim Furlong, 57 Fishtown Lane, said the 100 ft. setback is much less than the 200-300 ft. originally proposed by the consultant. The Inland Wetlands Agency's regulations regarding activity within the setbacks; streams are already protected by Inland Wetlands regulations; the 100 ft. setback harmonizes with the IWA; wider buffers make cleaner pre-treatment water.

Susan Dowling, 22 Leeward Lane, Economic Development Commission member, read the Economic Development Commission's referral memo into the record.

Zell Steever, 81 Main Street, submitted a statement and reviewed some maps he had previously submitted to the Zoning Commission. He asked for all of the maps and materials previously submitted by him to the commission to be included in the record.

Mr. Steever introduced Attorney Matthew Ranelli, who represented several residents from Groton.

Mr. Steever highlighted his areas of concern:

- 100 ft. non-disturbance area is absolutely needed. Mr. Steever stated that he had conversations with Groton Utilities last week and was told the water quality has been declining over the last 20 years. The bigger, more natural the buffer, the better.
- Exemption of one and two family housing –ok to exempt the existing homes; future housing should not be exempt. Ninety percent is zoned for residential use.
- Fuel dispensing services should be prohibited in the WRPD;
- Increase in sodium by-products has been noticed;
- Pervious vs. impervious surfaces. He recommended strongly that the commission reconsider this during the entire rewrite project.
- Impervious coverage of 70%; if there is more than 12% impervious in the watershed, you are going to pollute.

Rosanne Kotowski, 24 Ann Avenue, Mystic, asked the commission not to support the 100 ft. buffer in the Zoning Regulations.

Catherine Young, 14 Bushnell Street, read a statement for David Cote, Colony Road, regarding the increase of the buffer in the WRPD. Mr. Cote said random sample testing should be done and asked for the increase in the buffer to be tabled until further information is obtained from the testing.

Margaret Miner, Executive Director of Rivers Alliance of Connecticut, submitted a written statement which was sent to the Commission. Ms. Miner spoke about the use of vegetative buffers and cited some models, better land use management to protect water sources, the State of Connecticut Department of Health's push to discourage projects in water resource areas. She also urged the commission not to rely on the state's stormwater manual but instead on more current storm statistics.

Michael Kane, 51 Jupiter Point Road, a local builder and contractor and a member of the Planning Commission, spoke as a construction builder and not as a Planning Commissioner. He distributed a handout to the Commission. He said the new regulation is in conflict with the Plan of Conservation and Development which recommends low-impact development, yet 6.12-7.D.4 prohibits the use of pervious pavement. Pervious surfaces should be allowed and mandated. He discussed pre- and post-development water flow and recommended deleting the words “to the greatest extend practical” from Section 6.12-7.C.4; he recommended the elimination of underground fuel storage.

Al Valente, 60 Haley Road, Mystic, spoke against the 100 ft. setback. Groton is going through immense financial calamity with rising taxes and State issues and needs business development.

Sidney Van Zandt, 3 Front Street, distributed comments to the commission. She spoke in favor of the 100 ft. buffer, and the need to improve impervious surfaces in the future.

Tim Cieplik, 127 Briar Hill Road, Groton, read a letter from Matt McCormack of Mystic Indoor Sports, 90 Welles Road, in support of the water quality, but asked the commission to reconsider their position on the 100 ft. buffer.

Bonnie Nault, 41 Pearl Street, Mystic, Town Councilor and liaison to the Economic Development Commission, spoke as a resident. She spoke in support of maintaining the 50 ft. buffer.

Rick Stevens, Groton Utilities, read a statement which was submitted to staff this afternoon. Mr. Stevens discussed the strict buffer requirements by the State for Class I and Class II land (watershed property); reviewed some of the issues that have been resolved, and other items still under consideration with regard to the WRPD, as a result of collaboration between Groton Utilities, Town staff and the consultant during the past year.

Attorney Matt Ranelli, Shipman and Goodwin, represented several residents, spoke in favor of the application and made several recommendations for text changes to the proposed regulation amendment:

- Impervious: State POCD recommends 10% impervious; MS4 recommends 11%; the Commission should reconsider the 70% impervious.
- Require subdivisions to comply
- Septic processing
- Utility section of the table – solar and wind are included; the Commission should consider including fuel cells
- Add consistency with stormwater manual to Objectives
- Net increase rate or volume of runoff

Mr. Ranelli said he would send his comments to staff.

Jessie Stratton, 31 Spring Street, formerly with Connecticut Department of Energy and Environmental Protection, spoke in favor of the 100 ft. buffer and agreed with the previous comments about impervious surface.

Syma Ebbin, 51 Jupiter Point Road, a professor at UCONN Avery Point, spoke about the huge economic value of good water quality. Groton needs to retain and enhance their eco-system; increase vegetative buffers to augment the community.

Lynne Marshall, 118 Pearl Street, Groton, spoke in favor of the 100 ft. buffer, and adding the buffer to new residential development.

Kim Cardinal Piscatelli, Cardinal Honda, 531 Route 12, Groton, spoke against increasing the buffer to 100 ft.

Jamie Whitman, 143 Greenmanville Ave, Mystic, a member of RiseUpMystic and We Stand Together, an environmental advocacy group, spoke in agreement with Mr. Furlong, Ms. Ebbin and others.

Todd Brady, 17 Water Street, Mystic, said he hoped the zoning regulation rewrite would make Groton more attractive to real estate developers. He supported the recommendations of the consultant and Groton Utilities for a 50 ft. buffer.

Ann Roberts Pierson, 4 Anderson Drive, Gales Ferry, said she agreed with everyone who spoke about the science tonight and was in favor of the 100 ft. buffer.

The Chair said a lot of the information had been submitted today and the commission would like time to read and comprehend the material submitted today.

Smith asked for clarifications from three previous speakers.

Kim Cardinal Piscatelli, Cardinal Honda – Smith asked about three recommendations: percentage of used car inventory. Ms. Piscatellis said that was satisfied in the new draft, and certified cars will be treated as new cars; true used cars should not be limited but 30% would be reasonable as long as certified cars are considered like new. She also said the 70% impervious regulation will be an obstacle with regard to their franchise with Honda.

Susan Dowling, 22 Leeward Lane – Smith asked if there was a listing available of the 122 businesses at 11 addresses, and if they would be affected with a 50 ft. buffer, or just the increase to 100 ft. She said she would be able to provide a listing of the businesses, and those businesses would not be affected with a 50 ft. buffer, but would shift to non-conforming with the increase to 100 ft.

Attorney Matt Ranelli, Shipman and Goodwin, New Haven - Smith asked about the state POCD recommendations for resource protection of 10%; specifically ten percent of the total town watershed or any developable lot. Mr. Ranelli said the guidance is not specific but applied on a watershed scale planning, ten percent overall impervious, but some regulating agencies choose to do on a lot by lot basis, not reducing the percentage by the open space. The state POCD general recommendation is 10% overall impervious; the protection must be applied consistently throughout the watershed.

Sayer raised two points of order.

The first item of concern was that Edgerton was seated as a voting member but had missed much of the commentary and discussions, and she asked if he would have

to listen to the recordings of the meetings that he missed. She asked him if he was 100 percent comfortable. He stated that he didn't feel like he had missed very much.

The second item of concern was with members of the public speaking longer than the five minute guideline; she was concerned about the public's perception of everyone getting an equal opportunity.

Sayer asked for more time to review the information received tonight.

Staff said May 31st would be the next available date for a special meeting.

The commission concurred to keep the hearing open and continue to a special meeting on May 31st.

Edgerton asked why Public Works requested to drop the 100 year storm event from the requirements.

Mr. Kelly said the issue is that the Department of Public Works made the statement that maintaining pre-development and post-development conditions for a 100 year storm event was overly burdensome. First, matching the peak rate of discharge and volume of discharge are different; the peak rate for a 100 year storm – 7 inches of rain – extra space is required. That is not uncommon as a requirement, but very challenging on small sites, so it is a policy condition to consider.

Sayer asked staff's impression of the issues noted in the Public Works memo. She asked about the requirement to pave the parking at the Copp Family Park if the parking area is expanded. She asked Mr. Kelly to review that issue and offer a recommendation, if the park could get an exception, or if more flexible language was available.

Sayer asked staff to prepare a map depicting the 11 addresses noted in the Economic Development Commission referral memo, how they would be affected, and an electronic map in advance. She also requested that the draft minutes of the meeting be sent in advance.

The commission would like to look at the 50 ft. and 100 ft. non-disturbance area maps more closely. They also requested a map that corresponds to the tables in the Horsley Witten memo for display at the next meeting.

Edgerton asked how many businesses permitted would have their property affected, and existing businesses vs. land for business development.

Sayer discussed the inland wetlands and setbacks required. Staff had provided a memo in the fall about inland wetlands.

Marquardt asked about businesses that are conforming now, but would be nonconforming. Staff said it depends on what the non-conformity would be based on; it would be difficult to do an impact analysis on each site. Staff said it would be the extent of the constraints, rather than the number, and it would be dependent on the parcel.

The commission asked if there was any way to indicate what the 70% impervious of today would be compared to 10 years ago. The effective impervious area that is unmanaged and connected to natural water resources was discussed by Mr. Kelly.

The cumulative effects of parking lots of a certain size, etc., were discussed.

Motion to continue the hearing to a special meeting on May 31, 2017 at 6:30 p.m. was made by Smith and seconded by Sayer. Motion passed unanimously.

III. CONSIDERATION OF PUBLIC HEARINGS

1. REGA17-01, Proposed Zoning Regulation Text Amendment to Section 6.12 Water Resource Protection District (WRPD) (Town of Groton Office of Planning and Development Services, Applicant)

The public hearing was continued to May 31, 2017.

IV. PUBLIC COMMUNICATIONS - None

V. APPROVAL OF THE MINUTES

1. March 21, 2017 Special Meeting

Approval of the March 21, 2017 Special Meeting minutes was postponed to the next meeting. The Chair requested that a copy of the Town Council's minutes of the March 21, 2017 special meeting be included in the packet.

2. April 5, 2017

MOTION: To accept the minutes of the meeting of April 5, 2017 as written.

Motion made by Sayer, seconded by Smith; motion passed 4-0-1, 1 abstention (Edgerton).

VII. OLD BUSINESS

1. Zoning Regulations Rewrite Project

No report, no discussion.

VIII. NEW BUSINESS

1. Report of Commission -
2. Receipt of New Applications

a. Special Permit #353 - Luxury Cat Condo, North Road. A public hearing was scheduled for June 7, 2017.

IX. REPORT OF CHAIRPERSON - None

X. REPORT OF STAFF - None

XI. ADJOURNMENT

Motion to adjourn at 9:33 p.m. made by Smith, seconded by Sayer, so voted unanimously.

Susan Marquardt, Secretary
Zoning Commission

Prepared by Debra Gilot
Office Assistant III